

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING ISLAND
COUNTY CODE CHAPTER 17.03,
DEVELOPMENT REGULATIONS FOR
MARIJUANA PRODUCTION, PROCESSING
AND RETAIL AS AUTHORIZED UNDER
STATE LAW

ORDINANCE NO. C-40-14
PLG-002-14

WHEREAS, Island County conducts planning activities in accordance with Chapter 36.70 RCW, the Planning Enabling Act; and

WHEREAS, the planning process and the Island County Comprehensive Plan are further governed by Chapter 36.70A RCW, the Growth Management Act (GMA); and

WHEREAS, in order to comply with Chapters 36.70 and 36.70A RCW, Island County adopted its GMA Comprehensive Plan on September 29, 1998 by Ordinance C-123-98, with an effective date of December 1, 1998; and

WHEREAS, in order to implement the Island County GMA Comprehensive Plan, a system of zoning and development regulations were also adopted on September 29, 1998 by Ordinance C-123-98, with an effective date of December 1, 1998, thereby establishing Chapter 17.03 Island County Code (ICC), the Island County Zoning Code; and

WHEREAS, the Board of Island County Commissioners (BICC) contemporaneously adopted the Land Use Review Process (Chapter 16.19 ICC), as well as companion Chapters of ICC related to processing land use applications, development standards and site plan review; and

WHEREAS, Chapter 16.26 ICC establishes the review and amendment procedures for the Island County Comprehensive Plan and development regulations; and

WHEREAS, ICC 16.26.020 provides that certain amendments to the development regulations that implement the comprehensive plan and for which no amendment to the comprehensive plan is required may be processed without being placed on the Annual Review Docket; and

WHEREAS, the proposed amendments implement the Comprehensive Plan and do not require amendment to the Comprehensive Plan; and

WHEREAS, Initiative Measure No. 502 (I-502), approved by the voters of Washington State on November 6, 2012, amended the Uniform Substances Control Act, Chapter 69.50 RCW, to legalize the production, processing, and retail of usable marijuana and marijuana-infused products purchased from State licensed stores for adults age twenty-one (21) and over; and

WHEREAS, RCW 69.50.342 authorized the State Liquor Control Board to adopt rules to regulate the production, processing, and retail of usable marijuana and marijuana-infused products; and

WHEREAS, the Liquor Control Board adopted rules under Chapter 314-55 Washington Administrative Code (WAC) effective November 21, 2013; and

WHEREAS, the rules in Chapter 314-55 WAC make clear that receipt of a license from the Liquor Control Board does not entitle the licensee to locate or operate a marijuana production, processing, or retail business in violation of local rules or without any necessary approval from local jurisdictions; and

WHEREAS, on November 13, 2013, the BICC enacted a moratorium prohibiting within unincorporated Island County the establishment, siting, locating, use of, or permitting of any operation of facilities, structures, businesses or any other activities involving the production, processing, and retail sale of useable marijuana and marijuana-infused products, until such time that Island County could study the impacts of the new land uses and adopt appropriate health, land use and community development regulations, and

WHEREAS, pursuant to ICC 16.14C.185 and WAC 197-11-926 the County is the SEPA lead agency; and

WHEREAS, on February 19, 2014 the draft amendments were transmitted to the Department of Ecology for state agency review as required by Chapter 197-11 WAC; and

WHEREAS, pursuant to Chapter 16.14 ICC and WAC 197-11-340, the County has issued a Determination of Nonsignificance for the subject code amendment; and

WHEREAS, the draft amendments were transmitted to the Department of Commerce for state agency review as required by Chapter 36.70A RCW; and

WHEREAS, the Island County Planning Commission (Planning Commission) reviewed proposed revisions to the Island County Code establishing zoning and development regulations regulating the production, processing and retail sale of usable marijuana and marijuana-infused products in Island County in public meetings and workshops and held a public hearing on March 11, 2014 that was continued to March 25, 2014; and

WHEREAS, the Planning Commission, after receiving public input and comments and after public deliberation, recommended approval of the proposed revisions, and adopted Findings and Recommendation on March 25, 2014; and

WHEREAS, the BICC reviewed the Planning Commission Findings and Recommendation and held a public hearing on the morning of April 21, 2014 that was continued to that evening to receive additional public testimony regarding the Planning Commission recommendation. The BICC continued the public hearing again to May 5, 2014; and

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WHEREAS, based on public testimony, the BICC determined that a change to the Planning Commission's recommendation was necessary; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts the amendments to Chapter 17.03 ICC attached hereto as Exhibit A, material underlined is added and material lined through is deleted. The Board's findings are attached hereto as Exhibit B.

IT IS FURTHER ORDAINED that upon the adoption of this ordinance, Ordinance C-99-13 passed by the Board on November 13, 2013 that enacted a moratorium on licensed recreational marijuana businesses in unincorporated Island County shall be repealed in full.

ADOPTED this 5th day of May, 2014 following public hearing.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**



Jill Johnson
Jill Johnson, Chair

"OPPOSED"
Kelly Emerson, Member

Helen Price Johnson
Helen Price Johnson, Member

ATTEST:

Debbie Thompson
Debbie Thompson
Clerk of the Board

APPROVED AS TO FORM:

Daniel B. Mitchell
Daniel B. Mitchell
Deputy Prosecuting Attorney and
Island County Code Reviser

as to code amendments presented in Exhibit A attached
herein bearing my initials "DBM" and the date of "4/25/14."

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Exhibit A
Amendments to Chapter 17.03 ICC

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17.03.035 Use Tables

17.03.035A Permitted and Conditional Uses in the Rural Agriculture and Commercial Agriculture Zones

How to use this chart: This chart is intended to assist you in learning what uses may be established in the Rural Agriculture (RA) and Commercial Agriculture (CA) Zones and the type of permit that may be required. Within the columns that are labeled "Permitted" and "Conditional" you will see a I, II, III or IV. These numbers indicate the type of land use decision that is required in order to establish the use on a parcel zoned RA and CA. These land use decisions have the following meaning:

- I = Type I Permitted Use – 120 day permit review – Ministerial Decision
- II = Type II Conditional Use – 120 day permit review – Administrative Decision
- III = Type III Conditional Use – 120 day permit review – Hearing Examiner Decision
- IV = Type IV Conditional Use – Requires Board of County Commissioner approval

If you would like more information on the land use decision process please refer to Chapter 16.19 ICC. Just because a use is not listed on this chart does not mean that it cannot be permitted. If a use is not listed please consult with the Planning Department.

You will notice that some uses are both Permitted and Conditional and still other uses are listed as both a Type II and a Type III decision. This means that land use standards other than zoning will dictate if and how the use may be established in the RA and CA Zones. For example, a use may be Permitted if it is to be located on a parcel that is greater than 2.5 acres but it is Conditional on a parcel that is smaller than 2.5 acres. If you find that a use is listed as both Permitted and Conditional or that a Conditional Use is listed as both a Type II and a Type III you should refer to the following sections of code:

The definition of the use which is found in ICC 17.03.040.

The use requirements of the Rural Agriculture and Commercial Agriculture Zone which is found in ICC 17.03.090 and 17.03.100.

The land use standards that may govern the siting of the specific use which is found in ICC 17.03.180.

These three sections of code should be used in concert when determining if a use may be established, what standards will apply and the permitting process that will be required.

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USE	Permitted	Conditional
Accessory Living Quarters	I	
Accessory Uses	I	
Agriculture Products Processing	I	
Agricultural Products – Growing, Harvesting, Managing and Selling	I	
Animal Shelter		II (RA Zone)
Bed and Breakfast Room (No more than 2 rooms)	I	
Bed and Breakfast Inn (3 to 6 rooms)		II
Church		III (RA Zone)
Communication Tower		II
Day Care Nursery (6 or fewer persons)	I	
Small Day Care Center (7 to 12 persons)		II
Dwelling Units for Farm Workers	I	
Earned Development Units		IV
Equestrian Center		II/III
Seasonal Farmer's Market	Temporary Use	
Farm Equipment Storage and Repair Facilities	I (CA Zone)	
Farm Management Plan		IV
Farm Produce Stand and Forest Product Stand	I	
Forest Products – Growing, Harvesting, Managing and Selling	I	
Group Home	I	II
Guest Cottage	I	
Gun Club and Shooting Range		III (RA Zone)
Home Industry		II/III
Home Occupation	I	
Kennel		II (RA Zone)
Livestock Husbandry	I	
<u>Marijuana Processor</u>		<u>II</u>
<u>Marijuana Producer</u>	<u>I</u>	<u>II/III</u>
Minor Utilities	I	
Mobile Homes	I	
Schools, Public and Private	I	II/III
Seasonal Sale of Farm Produce	I	
Single Family Dwelling	I	
Recreational Aerial Activities		II
Surface Mine		III (RA Zone)
Temporary Uses	I	
Veterinarian Clinic	I (CA Zone)	

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USE	Permitted	Conditional
Water Tank	I	
Winery	I (CA Zone)	II (RA Zone)

ICC 17.03.035B Permitted and Conditional Uses in the Rural Forest Zone

How to use this chart: This chart is intended to assist you in learning what uses may be established in the Rural Forest Zone and the type of permit that may be required. Within the columns that are labeled "Permitted" and "Conditional" you will see a I, II, or III. These numbers indicate the type of land use decision that is required in order to establish the use on a parcel zoned Rural Forest. These land use decisions have the following meaning:

- I = Type I Permitted Use – 120 day permit review – Ministerial Decision
- II = Type II Conditional Use – 120 day permit review – Administrative Decision
- III = Type III Conditional Use – 120 day permit review – Hearing Examiner Decision

If you would like more information on the land use decision process please refer to Chapter 16.19 ICC. Just because a use is not listed on this chart does not mean that it cannot be permitted. If a use is not listed please consult with the Planning Department.

You will notice that some uses are both Permitted and Conditional and still other uses are listed as both a Type II and a Type III decision. This means that land use standards other than zoning will dictate if and how the use may be established in the Rural Forest Zone. For example, a use may be Permitted if it is to be located on a parcel that is greater than 2.5 acres but it is Conditional on a parcel that is smaller than 2.5 acres. If you find that a use is listed as both Permitted and Conditional or that a Conditional Use is listed as both a Type II and a Type III you should refer to the following sections of code:

The definition of the use which is found in ICC 17.03.040.

The use requirements of the Rural Forest Zone which is found in ICC 17.03.110.

The land use standards that may govern the citing of the specific use which is found in ICC 17.03.180.

These three sections of code should be used in concert when determining if a use may be established, what standards will apply and the permitting process that will be required.

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USE	Permitted	Conditional
Accessory Living Quarters	I	
Accessory Uses	I	
Forest Products Processing – Harvesting and Processing of	I	
Animal Shelter		II
Bed and Breakfast Room (No more than 2 rooms)	I	
Bed and Breakfast Inn (3 to 6 rooms)		II
Public/Community Boat Launch		II
Campground and Recreation Vehicle Park		II
Church		III
Communication Tower		II
Day Care Nursery (6 or fewer persons)	I	
Small Day Care Center (7 to 12 persons)		II
Equestrian Center		II/III
Seasonal Farmer's Market	Temporary Use	
Farm Produce Stand and Forest Product Stand	I	
Forest Products – Growing, Harvesting, Managing and	I	
Group Home	I	II
Guest Cottage	I	
Gun Club and Shooting Range		III
Home Industry		II/III
Home Occupation	I	
Kennel		II
Livestock Husbandry	I	
<u>Marijuana Processor</u>		<u>II</u>
<u>Marijuana Producer</u>	<u>I</u>	<u>II/III</u>
Minor Utilities	I	
Mobile Homes	I	
Mobile/Manufactured Home Park		III
Recreational Aerial Activities		
Schools, Public and Private	I	II/III
Seasonal Sale of Farm Produce	I	
Single Family Dwelling	I	
Surface Mine		III
Temporary Uses	I	
Water Tank	I	II

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ICC 17.03.035D Permitted and Conditional Uses in the Rural Zone

How to use this chart: This chart is intended to assist you in learning what uses may be established in the Rural Zone and the type of permit that may be required. Within the columns that are labeled “Permitted” and “Conditional” you will see a I, II, or III. These numbers indicate the type of land use decision that is required in order to establish the use on a parcel zoned Rural. These land use decisions have the following meaning:

- I = Type I Permitted Use – 120 day permit review – Ministerial Decision
- II = Type II Conditional Use – 120 day permit review – Administrative Decision
- III = Type III Conditional Use – 120 day permit review – Hearing Examiner Decision

If you would like more information on the land use decision process please refer to Chapter 16.19 ICC. Just because a use is not listed on this chart does not mean that it cannot be permitted. If a use is not listed please consult with the Planning Department.

You will notice that some uses are both Permitted and Conditional and still other uses are listed as both a Type II and a Type III decision. This means that land use standards other than zoning will dictate if and how the use may be established in the Rural Zone. For example, a use may be Permitted if it is to be located on a parcel that is greater than 2.5 acres but it is Conditional on a parcel that is smaller than 2.5 acres. If you find that a use is listed as both Permitted and Conditional or that a Conditional Use is listed as both a Type II and a Type III you should refer to the following sections of code:

The definition of the use which is found in ICC 17.03.040.

The use requirements of the Rural Zone which is found in ICC 17.03.060.

The land use standards that may govern the citing of the specific use which is found in ICC 17.03.180.

These three sections of code should be used in concert when determining if a use may be established, what standards will apply and the permitting process that will be required.

USE	Permitted	Conditional
Accessory Living Quarters	I	
Accessory Uses	I	
Agriculture or Forest Products Processing	I	II
Agricultural Products – Growing, Harvesting, Managing and Selling	I	
Animal Shelter		II
Bed and Breakfast Room (No more than 2	I	
Bed and Breakfast Inn (3 to 6 rooms)		II
Public/Community Boat Launch		II
Campground and Recreation Vehicle Park		II

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USE	Permitted	Conditional
Church		III
Communication Tower		II
Country Inn (7 to 40 rooms)		III
Day Care Nursery (6 or fewer persons)	I	
Small Day Care Center (7 to 12 persons)		II
Equestrian Center		II/III
Essential Public Facilities		III
Seasonal Farmer's Market	Temporary Use	
Farm Produce Stand and Forest Product	I	
Fire Station	I	II
Forest Products – Growing, Harvesting,	I	
Group Home	I	II
Guest Cottage	I	
Gun Club and Shooting Range		III
Home Industry		II/III
Home Occupation	I	
Kennel		II
Livestock Husbandry	I	
Minor Utilities	I	
Major Utilities		II
<u>Marijuana Processor</u>		<u>II</u>
<u>Marijuana Producer</u>	<u>I</u>	<u>II/III</u>
Mini Storage Facilities		III
Mobile Homes (for single wide homes –	I	
Mobile/Manufactured Home Park		III
Schools, Public and Private	I	II/III
Seasonal Sale of Farm Produce	I	
Single Family Dwelling	I	
Small Scale Recreation Use		II/III
Small Scale Tourist Use		II/III
Surface Mine		III
Temporary Uses	I	
Water Tank	I	II

ICC 17.03.035E Permitted and Conditional Uses in the Rural Center, Rural Village and Rural Service Zone

How to use this chart: This chart is intended to assist you in learning what uses may be established in the Rural Center, Rural Village and Rural Service Zones and the type of permit that may be required. Within the columns that are labeled “Permitted” and “Conditional” you will see a I, II, or III. These numbers indicate the type of land use decision that is required in order to establish the use on a parcel

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zoned Rural Center, Rural Village or Rural Service. These land use decisions have the following meaning:

- I = Type I Permitted Use – 120 day permit review – Ministerial Decision
- II = Type II Conditional Use – 120 day permit review – Administrative Decision
- III = Type III Conditional Use – 120 day permit review – Hearing Examiner Decision

If you would like more information on the land use decision process please refer to Chapter 16.19 ICC. Just because a use is not listed on this chart does not mean that it cannot be permitted. If a use is not listed please consult with the Planning Department.

You will notice that some uses are both Permitted and Conditional and still other uses are listed as both a Type II and a Type III decision. This means that land use standards other than zoning will dictate if and how the use may be established in the applicable zone. For example, a use may be Permitted if it is to be located on a parcel that is greater than 2.5 acres but it is Conditional on a parcel that is smaller than 2.5 acres. For those boxes that do not contain any information, the use is not permitted in that zone. If you find that a use is listed as both Permitted and Conditional or that a Conditional Use is listed as both a Type II and a Type III you should refer to the following sections of code:

The definition of the use which is found in ICC 17.03.040.

The use requirements of the Rural Center Zone which is found in ICC 17.03.120.

The use requirements of the Rural Village Zone which is found in ICC 17.03.130.

The use requirements of the Rural Service Zone which is found in ICC 17.03.140.

The land use standards that may govern the citing of the specific use which is found in ICC 17.03.180.

These three sections of code should be used in concert when determining if a use may be established, what standards will apply and the permitting process that will be required.

USE	Rural Center		Rural Village		Rural Service	
	Permitted	Conditional	Permitted	Conditional	Permitted	Conditional
	<= 12,000 sq. ft.	> 12,000 and <= 50,000 sq. ft.	<= 4,000 sq. ft.	> 4,000 sq. ft.	<= 4,000 sq. ft.	None
Accessory Uses	I	II	I	II	I	
Banks and Financial Institutions	I	II	I	II		
Churches/Schools	I	II				

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USE	Rural Center		Rural Village		Rural Service	
	Permitted	Conditional	Permitted	Conditional	Permitted	Conditional
	<= 12,000 sq. ft.	> 12,000 and <= 50,000 sq. ft.	<= 4,000 sq. ft.	> 4,000 sq. ft.	<= 4,000 sq. ft.	None
Communication Tower		II				
Cultural Centers	I	II	I	II		
Day Care Centers	I	II	I	II	I	
Eating and Drinking Establishment	I	II	I	II	I	
Entertainment Uses	I	II				
Essential Public Facilities		III		III		
Fire Station	I	II	I	II		
Government Service	I	II	I	II		
Health Care Facilities	I	II	I	II		
Group Home	I	II	I	II		
Light Manufacturing	I	II				
<u>Marijuana Processing</u>					<u>II</u>	<u>II</u>
<u>Marijuana Production</u>					<u>I/II</u>	<u>II/III</u>
<u>Marijuana Retail</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>
Mixed-Use (residential portion is based on number of dwelling units rather than sq. ft.)	I <= 8 dwelling units	II > 8 dwelling units	I <= 8 dwelling units	II > 8 dwelling units	I <= 6 dwelling units	
Multi-Family	I	II				
Office Uses	I	II				
Overnight Lodging	I	II				

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17.03.040 Definitions

Unless expressly noted otherwise, words and phrases that appear in this Chapter shall be given the meaning attributed to them by this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory and the words "may" and "should" indicate a use of discretion in making a decision. Capitalized words and phrases identify a term defined in this Chapter; other Chapters of Title 17; or Chapters contained in Title 16.

Accessory Living Quarters: A separate living quarters contained within the primary residence. Accessory living quarters are subject to the requirements and conditions provided in ICC 17.03.180.

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Marijuana: Means all or part of the plant Cannabis, whether growing or not, with a THC concentration, as defined in RCW 69.50.010(ii), greater than 0.3 percent on a dry weight basis; the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt derivative, mixture or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

Marijuana-infused Products: means products that contain marijuana or marijuana extracts and are intended for human use. The term 'marijuana-infused products' does not include useable marijuana.

Marijuana licensee: means any person or entity that holds a marijuana license, or any person or entity who is a true party of interest in a marijuana license, as outlined in WAC 314-55-035.

Marijuana Manufacture: means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

- (a) by a medical professional/practitioner or designated provider (as defined by RCW 69.51A) as an incident to administering or dispensing of a controlled substance in the course of the medical professional/practitioner's professional practice; or

(b) by a medical professional/practitioner or designated provider (as defined by RCW 69.51A), or by the medical professional/practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

Marijuana Processor: means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana Producer: means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Marijuana Retailer: means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Mini Storage: Structures containing separate self-service storage spaces that are leased or rented as individual units.

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17.03.060 Rural (R) Zone

The Rural Zone is the principal land Use classification for Island County. Limitations on density and uses are designed to provide for a variety of rural lifestyles and to ensure Compatible uses.

A. Permitted Uses. Processed as Type I decisions pursuant to Chapter 16.19 ICC:

1. Accessory Uses and Buildings on Lots with Existing Permitted Uses;
2. Accessory Uses in uninhabitable Buildings less than eight hundred (800) square feet in size on Lots less than two and one-half (2.5) acres in size that do not have Existing permitting uses;
3. All Accessory Uses in uninhabitable Buildings on Lots two and one-half (2.5) acres in size or larger that do not have Existing Permitted Uses;
4. Bed and Breakfast Room;
5. Farm or Forest Products Stand;
6. Fire Station (two (2) bays or smaller or less than four thousand (4,000) square feet) of Gross Floor Area;
7. Home Occupation;
8. The growing, harvesting, sale and managing of agricultural products including horticulture and Livestock, provided raising of Large Livestock on Lots less than two and one-half (2.5) acres in size requires approval of an Animal Management Plan;
9. The growing, harvesting, sale and managing of forest products or any forest crop, in accordance with the Washington Forest Practices Act and regulations adopted pursuant thereto, including, but not limited to, timber, Christmas trees, nursery stock, and floral vegetation;
10. Group Home (no more than six (6) persons);
11. Day Care Nursery (no more than six (6) persons);
12. Guest Cottage;
13. Minor Utilities;
14. Temporary Uses;
15. The processing of agricultural or forest products in Structures that are less than four thousand (4,000) square feet of Gross Floor Area;
16. Seasonal sale of farm produce, with any associated Structures subject to the accessory building requirements stated herein and Signage requirements set pursuant to ICC 17.03.180;

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17. Single Family Dwelling Unit;
18. Accessory Living Quarters; ~~and~~
19. Water Tanks (thirty-two (32) feet or smaller in diameter or height and if not cylindrical in shape, then the surface area shall not exceed the ground area encompassed by a tank thirty-two (32) feet in diameter)-; **and**

20. Marijuana Producer deemed a Type I land use decision in 17.03.180.BB.

B. Conditional Uses

1. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:
 - a) Accessory Uses and uninhabitable Buildings eight-hundred (800) square feet of Gross Floor Area or greater in size on Lots less than two and one-half (2.5) acres in size that do not have Existing Permitted Uses;
 - b) Bed and Breakfast Inn;
 - c) Public/Community Boat Launch;
 - d) Campground and Recreation Vehicle Park which do not exceed three (3) sites per gross acre of the Parcel;
 - e) Communication Tower;
 - f) Equestrian Center as specified in ICC 17.03.180;
 - g) Group Home and Small Day Care Center (greater than six (6) but less than twelve (12) children or adults);
 - h) Fire Station (larger than two (2) bays or four thousand (4,000) square feet or larger of Gross Floor Area);
 - i) Home Industries as specified in ICC 17.03.180;
 - j) Kennel;
 - k) Major Utilities;
 - l) The processing of agricultural or forest products in Structures that are four thousand (4,000) square feet or larger of Gross Floor Area;
 - m) Small-scale Recreation Uses as specified in ICC 17.03.180;
 - n) Small-scale Tourist Use as specified in ICC 17.03.180;
 - o) Water Tanks (larger than a permitted use); ~~and~~

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p) Animal Shelters; and

q) Marijuana Producer and/or Processor deemed a Type II land use decision in 17.03.180.BB.

2. Uses allowed upon Site Plan approved pursuant to Chapter 16.15 ICC processed as Type III decisions and requiring a community meeting pursuant to Chapter 16.19 ICC, unless otherwise specified:

- a) Church except that a community meeting is not required if seating capacity is no more than 150 or fewer persons or a 2,000 square foot assembly area is proposed;
- b) Country Inn, except that a community meeting is not required if twenty (20) or less rooms are proposed;
- c) Covered Equestrian Center as specified in ICC 17.03.180;
- d) Essential Public Facilities;
- e) Gun Club and Shooting Range;
- f) Mobile/Manufactured Home Park;
- g) Private or Public School;
- h) Surface Mine;
- i) Home Industries as specified in ICC 17.03.180, except that a community meeting is not required;
- j) Small-scale Recreation Uses as specified in ICC 17.03.180;
- k) Small-scale Tourist Use as specified in ICC 17.03.180; and
- l) Mini Storage Facility; and

m) Marijuana Producer and/or Processor deemed a Type III land use decision in 17.03.180.BB.

C. **Lot/Density.** Lot/density requirements shall be as follows:

- 1. Minimum Lot size shall be five (5) acres. Base Density shall be one (1) Dwelling Unit per five (5) gross acres.
- 2. Lot size averaging may be permitted for Subdivisions or Short Subdivisions, that are ten (10) acres or larger in size, provided that no Lot may be less than two and one-half (2½) acres in size; no more than three (3) Lots may be created that are less than five (5) acres in size; and the average Base Density for the subdivision or Short Subdivision is not less than one (1) Dwelling Unit per five (5) gross acres.

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3. For Lots, Tracts or Parcels twenty (20) acres or larger in size the Base Density may be increased as specified in ICC 17.03.180.E through the approval of a PRD pursuant to Chapter 16.17 ICC, with fractional units rounded upward to the next whole number.
 4. For a PRD located within the unincorporated portion of an Urban Growth Area, the Base Density may be increased up to two-hundred percent (200%).
 5. For Lots legally created prior to or after effective date of this Chapter, variations of ten (10) percent in the five (5) acre Lot size may be allowed to account for special site features, unusual topography or similar factors that make strict adherence to minimum lot size impractical.
 6. Existing Lots with more than one (1) Existing Single Family Dwelling Unit legally established prior to the effective date of this Chapter, that are under ten (10) acres in size, may be divided so each Dwelling Unit is on a separate Lot.
 7. A division of land into Lots, Tracts or Parcels that are less than three (3) acres is permitted, when the Lot(s) are or will be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities as they are defined in ICC 16.06.030.K. Divisions of lands fulfilling these requirements shall not be subject to the Subdivision and Short Subdivision provisions of Chapter 16.06 ICC and shall be recorded in accordance with chapter 58.09 RCW. Base density requirements shall continue to apply for purposes of residential development to any Lots, Tracts, or Parcels created pursuant to this provision.
- D. **Setbacks.** Unless otherwise provided in this Chapter, Setback requirements shall be as follows:
1. Setbacks for single family detached Dwelling Units, Mobile/Manufactured Homes and Accessory Buildings are specified in ICC 17.03.180.S.
 2. For a PRD or Site Plan, the Setback may be modified by the approving authority in its action on the PRD application, pursuant to ICC 17.03.180.S.
 3. For permitted or Conditional Uses adjacent to lands classified RA, CA, RF, AP or a Surface Mining operation:
 - a) The Setback requirements of this section may be increased to ensure that such uses do not Interfere with Permitted Uses allowed in the RA, CA, RF, AP zone or a Surface Mining operation; and
 - b) A notation shall be placed on the face of any plat, short plat, PRD or building permit(s) and included in documents of conveyance and any recorded covenants as provided in Chapter 16.25 ICC.
- E. **Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, water tanks,

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skylights, silos, communication sending and receiving devices, HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.

17.03.070 Rural Residential (RR) Zone

The purpose of the Rural Residential Zone is to define the Logical Outer Boundary of a pattern of development and density that is more intensive than the density permitted in the R zone.

A. Permitted Uses. Processed as Type I decisions pursuant to Chapter 16.19 ICC:

1. Accessory Uses and Buildings on Lots with Existing Permitted Uses;
2. Accessory Uses in uninhabitable Buildings less than eight-hundred (800) square feet of Gross Floor Area in size on Lots less than two and one-half (2.5) acres in size that do not have Existing Permitted Uses;
3. All Accessory Uses in uninhabitable Buildings on Lots 2.5 acres in size or larger that do not have Existing Permitted Uses;
4. Bed and Breakfast Room;
5. Day Care Nursery (no more than six (6) persons);
6. Home Occupation;
7. Guest Cottage on parcels one (1) acre or greater in size;
8. The growing, harvesting, sale and managing of agricultural products including horticulture and livestock provided raising of Large Livestock on Lots less than two and one-half (2.5) acres in size requires approval of an Animal Management Plan;
9. Minor Utilities;
10. Single Family Dwelling Unit, Duplex, Triplex and Fourplex;
11. Temporary Uses;
12. Water Tanks (thirty-two (32) feet or smaller in diameter or height and if not cylindrical in shape, then the surface area shall not exceed the ground area encompassed by a tank 32 feet in diameter);
13. Accessory Living Quarters; and
14. Group Home (no more than six (6) persons).

B. Conditional Uses (Processed as Type II Decisions). Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:

1. Bed and Breakfast Inn;
2. Public/Community Boat Launch;

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3. Fire Station;
 4. Water Tanks (larger than a permitted use);
 5. Small Day Care Center (seven (7) to twelve (12) persons); and
 6. Group Home (seven (7) to twelve (12) persons).
- C. **Conditional Uses (Processed as Type III Decisions).** Uses allowed upon Site Plan approved pursuant to Chapter 16.15 ICC processed as Type III decisions and requiring a community meeting, depending upon size, pursuant to Chapter 16.19 ICC:
1. Churches on RR Zone property located within a Residential RAID contiguous to a Mixed Use RAID or Non-municipal UGA, except that a community meeting is not required if seating capacity is no more than 150 or fewer persons or a 2,000 square foot assembly area is proposed;
- D. **Prohibited Uses**
1. Helipads; and
 2. Marijuana Producer, Processor and Retailer as defined in this Chapter and subject to 17.03.180.BB.
- E. **Designation Criteria and Areas.** Areas with a predominant pattern of development and density Existing on July 1, 1990 that is greater than the Base Density permitted in the R zone may be designated RR when the criteria set forth below are met. The areas designated Rural Residential are listed in ICC 17.03.075 and depicted in the Zoning Atlas. Specific conditions can be found in Appendix A.
1. Subdivisions, Short Subdivisions and PRDs created prior to July 1, 1990;
 - a) with an average Lot size less than two and one-half (2.5) acres;
 - b) that exceed ten (10) Lots with water system hook-ups;
 - c) If created prior to 1966 must be at least forty percent (40%) developed and adjacent to higher density development.
 2. Subdivisions and Short Subdivisions created after July 1, 1990 may be included that are adjacent to areas defined by designation criterion 1 and form a Logical Outer Boundary.
 3. Parcels may be included that are adjacent to or between areas defined by designation criterion 1 and 2, considering the need to preserve the character of existing natural neighborhoods and communities; physical boundaries such as roads, land forms and contours and water bodies; the need to prevent abnormally irregular boundaries; and, to use approved water and sewer service systems so that low density sprawl is avoided.

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17.03.081 Oak Harbor – Residential (OH-R) Zone

The purpose of the Oak Harbor Residential Zone (OH-R) is to provide for the residential development of the lands inside the City of Oak Harbor's Municipal Urban Growth Area at densities and uses that will provide for the efficient provision of municipal water and sewer services.

A. Permitted Uses

Uses permitted outright. Processed as Type I decisions pursuant to Chapter 16.19 ICC:

1. Single family detached dwellings;
2. Accessory Uses and Buildings on Lots with legally Permitted Uses;
3. Bed and Breakfast Room;
4. Day Care Nursery;
5. Home Occupation occupying no more than 25% of the Gross Floor Area or a maximum of 600 square feet in a detached single family dwelling unit;
6. Guest Cottage or Accessory Dwelling Unit subject to Site Coverage requirements of ICC 17.03.180.P;
7. Minor utilities;
8. Temporary Uses.

B. Conditional Uses

Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:

1. Bed and Breakfast Inn with not more than six (6) guest rooms;
2. Fire Station;
3. Foster homes; and
4. Water Tanks.

Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type III decisions pursuant to Chapter 16.19 ICC:

1. Group home;
2. Libraries and museums;
3. Nursing Homes;
4. Day Care Centers;

5. Senior Retirement Facility;
6. Churches; and
7. Private or public schools.

C. Prohibited Uses

1. Helipads; and
2. Marijuana Producer, Processor and Retailer as defined in this Chapter and subject to 17.03.180.BB

D. Designation Criteria and Areas

1. Areas within the designated boundaries of the Oak Harbor Municipal Urban Growth Area.

E. Lot/Density

Lot/Density requirements shall be as follows:

1. Base Density, shall be one (1) d.u. per five (5) acres.
2. A Density of up to three (3) dwelling units per five (5) acres is allowed provided that the public sewer, water and stormwater facilities conforming to City of Oak Harbor Utility plans and design standards are installed or, installation is secured by a bond or other form of approved security along the frontage of the portion of the property to be developed under this provision.
3. For Land Divisions approved after the execution of the Oak Harbor Interlocal Agreement, lot sizes for single family detached dwellings shall be established pursuant to the Potential Municipal Zoning Classification except in no event shall lot size exceed 15,000 square feet and lot clustering shall be required when necessary to carry out this provision.

F. Setbacks and Lot Dimensions

Setback requirements shall be as follows:

1. Street or front yard: twenty (20) feet;
2. Side yard: twelve (12) feet on one side and five (5) feet on the other side;
3. Minimum side yard along the flanking street of a corner lot: fifteen (15) feet;
4. Rear yard: twenty (20) feet.

G. Maximum Height

Maximum height shall be thirty (30) feet.

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17.03.082 Oak Harbor – Industrial (OH-I) Zone

The OH-I district is intended to accommodate certain industrial structures and uses having physical and operational characteristics, which might adversely affect adjoining residential and commercial uses. Regulations are designed to permit those industrial uses that can be operated in a clean, quiet and safe manner compatible with adjoining land uses.

A. Permitted Uses

Shall not exceed twelve thousand (12,000) square feet to gross floor area per lot, tract or parcel and shall be processed as a Type I decision pursuant to Chapter 16.19 ICC.

1. Accessory Uses;
2. Bedding, carpet and pillow manufacture, cleaning and renovating;
3. Bottling and processing of non-alcoholic beverages, the production of which is devoid of fumes, noxious odors, or waste products;
4. Canning, processing and freezing of fruit and vegetables;
5. Cold storage plants;
6. Food and drug processing;
7. Retail Sales and Services;
8. Storage, Outdoor and Mini Storage;
9. Warehousing and distribution centers;
10. Manufacture and assembly of light and small items made from previously prepared materials and includes operations which do not create noise, smoke, odor, vibration or other objectionable nuisances to the extent that they are detrimental to surrounding uses;
11. Assembly, manufacture, rebuilding, compounding, processing, preparation, or treatment of such articles or products as: Batteries, bottles, mattresses, furniture, tools, hardware, and paper products, but not the manufacture of paper itself;
12. Machine, welding, or metal working shop, but not including punch presses, drop hammers, or other noise and vibration producing equipment;
13. Woodworking shop; ~~and~~
14. Minor utilities; and
- 15. Marijuana Producer deemed a Type I land use decision in 17.03.180.BB.**

B. Conditional Uses

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The following uses may be permitted in the OH-I upon Site Plan approval processed as a Type II decision pursuant to Chapter 16.19 ICC.

1. Marijuana Producer and/or Processor deemed a Type II land use decision in 17.03.180.BB.

The following uses may be permitted in the OH-I upon Site Plan approval processed as a Type III decision pursuant to Chapter 16.19 ICC.

1. Any conditional use permitted in the OH-I zone;
2. Cement and asphalt plants;
3. Electroplating;
4. Manufacture or processing of such non-durable goods as: chemical and allied products, petroleum products, fertilizers, but excluding explosives and ammonia;
5. Metal fabrication and boiler or tank works;
6. Mixing plants for concrete or paving material;
7. Off-site hazardous waste treatment and storage facilities, provided that such facilities meet the State siting criteria adopted pursuant to the requirements of RCW 70.105.210;
8. Oxygen manufacture and/or storage;
9. Tire retreading;
10. Produce stand; and
11. Rodenticide, insecticide and pesticide mixing plants; and

12. Marijuana Producer and/or Processor deemed a Type III land use decision in 17.03.180.BB.

C. Prohibited Uses

No building, structure or premise or a portion thereof, established after the effective date of this Chapter, shall be used for human habitation, permanent, transient or temporary except as quarters for a caretaker, guard or other person whose permanent residency on the premises is required for operational safety or protective purposes.

D. Designation Criteria and Areas

Areas designated potential industrial on the Island County Future Land Use Map. Specific areas are also designated as Industrial on the 1998 Oak Harbor Comprehensive Plan Land Use Element Map.

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E. **Lot/Density**

Lot size requirements shall be the minimum lot size required by County Health Department requirements.

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17.03.085 Urban Growth Area - Langley (UGA-L) Zone

The purpose of the Urban Growth Area–Langley Zone (UGA-L) is to provide for the development of the lands inside the City of Langley’s Municipal Urban Growth Area at densities and uses that will provide for the efficient provision of municipal water and sewer services.

A. **Permitted Uses**

Uses permitted outright. Processed as Type I decisions pursuant to Chapter 16.19 ICC:

1. Single family detached dwellings;
2. Accessory Uses and Buildings on Lots with legally Permitted Uses;
3. Bed and Breakfast Room;
4. Day Care Nursery;
5. Foster homes;
6. Adult Family Home;
7. Home Occupation occupying no more than twenty-five (25) percent of the Gross Floor Area or a maximum of six hundred (600) square feet in a detached single family dwelling unit;
8. Guest Cottage or Accessory Dwelling Unit subject to Site Coverage requirements of ICC 17.03.180.Q;
9. Minor utilities; and
10. Temporary Uses.

B. **Conditional Uses**

1. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:
 - a) Bed and Breakfast Inn with not more than six (6) guest rooms;
 - b) Fire Station; and
 - c) Water Tanks.
2. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type III decisions pursuant to Chapter 16.19 ICC:

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- a) Group Home;
- b) Social service facilities;
- c) Libraries and museums;
- d) Nursing Homes;
- e) Day Care Centers;
- f) Senior Retirement Facility;
- g) Churches; and
- h) Private or public schools.

C. Prohibited Uses

1. Helipads; and

2. Marijuana Producer, Processor and Retailer as defined in this Chapter and subject to 17.03.180.BB.

D. Designation Criteria and Areas

Areas within the designated boundaries of the Langley Municipal Urban Growth Area.

E. Lot/Density

Lot/Density requirements shall be as follows:

- 1. Base Density, shall be one (1) dwelling unit (d.u.) per five (5) acres;
- 2. A Density of up to three (3) dwelling units per five (5) acres is allowed provided that the public sewer, water and stormwater facilities conforming to City of Langley Utility plans and design standards are installed or, installation is secured by a bond or other form of approved security along the frontage of the portion of the property to be developed under this provision; and
- 3. For Land Divisions approved after the execution of the Langley Interlocal Agreement, lot sizes for single family detached dwellings shall be established pursuant to the Potential Municipal Zoning Classification except in no event shall lot size exceed fifteen thousand (15,000) square feet and lot clustering shall be required when necessary to carry out this provision.

F. Setbacks and Lot Dimensions

Setback requirements shall be as follows:

- 1. Street or front yard: twenty (20) feet;

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2. Side yard: five (5) feet on each side; and
3. Rear yard: twenty-five (25) feet.

G. Maximum Height

Maximum height shall be thirty (30) feet. The maximum height for accessory structures shall be fifteen (15) feet.

17.03.086 Oak Harbor-Planned Industrial Park (OH-PIP) Zone

The purpose and intent of the OH-PIP is to:

1. Encourage comprehensive planning of large industrial sites in order to create a park-like environment;
2. Preserve or create environmental amenities superior to those generally found in conventional industrial developments;
3. Preserve to the greatest possible extent the natural characteristics of the land, including topography, a portion of significant natural vegetation, waterways, views, etc.;
4. Establish development standards which provide compatibility with surrounding residential, commercial or other developments and offer protection from industrial blight;
5. Provide for maximum efficiency in the layout of streets, utility networks, open space, landscaping requirements and other public improvements;
6. Provide a guide for developers and City officials in meeting the purpose and provisions of this Section.

A. Conditional Uses

Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC.

1. Accessory uses;
2. Assembly, manufacture, packaging, compounding or treatment of articles or merchandise from the following previously prepared materials: cloth, glass, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, wood (excluding sawmills, lumber mills and planing mills), paint, clay, sand, rubber;
3. Printing, publishing and book binding;
4. Manufacturing, processing and packaging of food, pharmaceuticals, toiletries, cosmetics, optical goods, scientific instruments and equipment, and precision instruments and equipment;
5. Scientific research, testing and experimental development laboratories;

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6. Corporate headquarters, regional headquarters and administrative offices of commercial, industrial, financial, charitable or governmental institutions;
7. Upholstery shop;
8. Auto repair of all kinds, including body and fender work, provided there shall be no wrecking, junking, dismantling, or salvaging operations;
9. Feed and seed store, retail or wholesale;
10. Gun Club and Shooting Range;
11. Marine craft, equipment and supply sales, and repair and service of small craft;
12. Nursery and landscape material including greenhouses;
13. Plumbing shop;
14. Sign shop;
15. Lumber yard, retail or wholesale, including building supplies, hardware, and related items;
16. Storage, Outdoor and Mini Storage;
17. Vocational and technical schools;
18. Private club, lodge, convent, social or recreational building or community assembly hall, (except those having a chief activity carried on for monetary gain);
19. Training facilities, including but not limited to music, dance, martial arts, photography, health clubs;
20. Warehousing and distribution centers;
21. Retail Sales and Services;
22. Uses similar to, or related to, or compatible with those listed or described in this section are permitted upon a finding by the Planning Director that a proposed use does not conflict with the intent of this section or the policies of the Oak Harbor Comprehensive Plan. The criteria for such finding of similarity, relationship or compatibility shall include, but not limited to the following:
 - a) The proposed use will not significantly impact surrounding uses.
 - b) The development standards for permitted uses can be met by the proposed use.
 - c) Impacts, such as traffic, noise and air quality will not be significantly different than those generated by permitted uses.
23. Overnight Lodging;

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- 24. Minor and Major Utilities and Essential Public Facilities; ~~and~~
- 25. Temporary Uses; and
- 26. Marijuana Producer and Processor deemed a Type II land use decision in 17.03.180.BB.**

B. Prohibited Uses

- 1. All uses or activities which would require extraordinary equipment, devices or technology for the control of odors, dust, fumes, smoke, noise or other wastes and/or byproducts which, if uncontrolled, would contaminate the environment to a degree unacceptable by contemporary community standards; or which would exceed the acceptable limits established by competent and recognized public and quasi-public agencies for the protection of industrial and/or environmental health. Such uses include but are not limited to the following:
 - a) Manufacture or storage of explosives;
 - b) Stockyards, dairies, slaughterhouses, rendering plants, canneries, breweries, wineries and other agricultural industries;
 - c) Petroleum refineries;
 - d) Cement manufacturing;
 - e) Blast furnaces;
 - f) Smelting;
 - g) Drop forge industries;
 - h) Sanitary landfills;
 - i) Waste to energy facilities;
 - j) Sewage treatment plants; and
 - k) Lumber, pulp or paper mills.
- 2. Single family or multi-family residences.

C. Designation Criteria and Areas

Areas designated as potential industrial on the Island County Future Land Use Map in the Goldie Road area of the Oak Harbor Joint Planning Area. Specific areas depicted in the Future Land Use Map as Light Industrial – PIP and Zoning Atlas as UGAI classified lands.

D. Lot/Density and Setback

- 1. In a Planned Industrial Park district, the following minimum site requirements shall apply:

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- a) Minimum site area for the development of a new planned industrial park plat – Five (5) acres.
 - b) Minimum lot area – Twenty Thousand (20,000) square feet, except where there is a binding site plan.
 - c) Minimum lot width – One hundred (100) feet.
 - d) Minimum lot depth – One hundred (100) feet.
2. The maximum building coverage shall not exceed Forty (40) percent of the total lot area.
 3. In a Planned Industrial Park district, all buildings and structures, except for fencing, shall meet the following minimum setback requirements:
 - a) Front yard – Thirty (30) feet. In cases where no parking or service occurs between the face of the building and the street, the front yard may be reduced to Twenty (20) feet.
 - b) Interior side yards – Fifteen (15) feet.
 - c) Corner lot side yard abutting a street – Thirty (30) feet. In cases where no parking or service occurs between the face of the building and the street, the side yard may be reduced to Fifteen (15) feet.
 - d) Rear yard – Fifteen (15) feet.
 - e) When abutting any residential-zoned property or any area planned for residential uses under the Oak Harbor Comprehensive Plan, the minimum setback shall be Fifty (50) feet.
 - f) Parking is allowed in setbacks.

E. Building Heights

Permitted building height is determined by the distance the building is separated from any residential zone, or from any area designated in the Zoning Atlas or adopted Future Land Use Map for residential uses, as follows:

1. Less than One Hundred (100) feet – Thirty Five (35) feet in height;
2. One Hundred One (101) feet and above – Fifty (50) feet in height + Ten (10) feet for mechanical equipment; and
3. Two Hundred (200) feet and above – Sixty Five (65) feet in height + Ten (10) feet for mechanical equipment.

F. Outdoor Storage

1. Outdoor storage shall not be allowed within the required building setback areas.

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2. All outdoor storage areas shall not be visible from public rights of way or private streets.
3. All outdoor storage areas shall be screened from public view through landscaping, walls, and/or fencing.
4. In no event shall materials be stacked or stored higher or to exceed the height of the screening wall or fence, eight (8) feet maximum.

G. Land Use Standards

All projects shall comply with applicable use standards of ICC 17.03.180 unless modified by this Section; Critical Area Standards, Chapter 17.02 ICC; and Island County AICUZ Standards.

17.03.090 Rural Agriculture (RA) Zone

The primary purpose of the Rural Agriculture (RA) zone is to protect and encourage the long term productive Use of Island County's agricultural land resources of local importance. It is established to identify geographic areas where Commercial farming practices can be conducted in an efficient and effective manner; and to help maximize the productivity of the lands so classified. Secondly, lands classified RA provide scenic Open Space, wildlife habitat and watershed management to the extent such Use is consistent with the primary purposes of the Zone.

A. Permitted Uses. Processed as Type I decisions pursuant to Chapter 16.19 ICC:

1. Accessory Uses;
2. All uses which are necessary to the production, harvesting, sale or processing of agricultural products or have the principal purpose of carrying out or facilitating the practice of farming;
3. Bed and Breakfast Room;
4. Dwelling Units for farm workers employed by the farm operator;
5. Farm Produce Stand and Forest Products Stand;
6. The growing, harvesting, sale and managing of agricultural products including horticulture and Livestock;
7. The growing, harvesting, sale (including seasonal sales) and managing of forest products or any forest crop, in accordance with the Washington Forest Practices Act and regulations adopted pursuant thereto, including, but not limited to, timber, Christmas trees, nursery stock, and floral vegetation;
8. Guest Cottage;
9. Home Occupation;
10. Minor Utilities;
11. Single Family Dwelling Unit;

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12. Temporary Uses;
13. Water Tanks;
14. Day Care Nursery (no more than six (6) persons);
15. Group Home (no more than six (6) persons); ~~and~~
16. Accessory Living Quarters-; **and**

17. Marijuana Producer deemed a Type I land use decision in 17.03.180.BB.

Provided that any Permitted Use shall be disapproved upon finding that it will Interfere with efficient management or productivity of Agricultural Uses.

B. Conditional Uses

1. Uses allowed upon Site Plan approval pursuant to this Chapter 16.15 ICC processed as Type II decisions, pursuant to Chapter 16.19 ICC:
 - a) Communication Towers;
 - b) Equestrian Center as specified in ICC 17.03.180;
 - c) Home Industry as specified in ICC 17.03.180;
 - d) Kennels;
 - e) Bed and Breakfast Inn;
 - f) Small Day Care Center;
 - g) Recreational Aerial Activities as specified in ICC 17.03.180; ~~and~~
 - h) Rural Event Center as specified in ICC 17.03.180.T.8(a) as a Type II Decision-; **and**
 - i) **Marijuana Producer and/or Processor deemed a Type II land use decision in 17.03.180.BB.**
2. Uses allowed upon Site Plan approval pursuant to Chapter 16.15, processed as Type III decisions and requiring a community meeting pursuant to Chapter 16.19 ICC, unless otherwise specified:
 - a) Gun Club and Shooting Range;
 - b) Surface Mine;
 - c) Church, except that a community meeting is not required if seating capacity is no more than 150 or fewer persons or a 2,000 square foot assembly area is proposed;
 - d) Covered Equestrian Center as specified in ICC 17.03.180;

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- e) Essential Public Facilities;
 - f) Home Industries as specified in ICC 17.03.180, except that a community meeting is not required; ~~and~~
 - g) Rural Event Center as specified in ICC 17.03.180.T.8(a) as a Type III Decision-; **and**
 - h) Marijuana Producer and Processor deemed a Type III land use decision in 17.03.180.BB.**
- 3. Earned Development Units after approval by the Board of a Commercial Agriculture Farm Management Plan as set forth in ICC 17.03.180.G.
 - 4. Certain uses allowed in the R zone identified in ICC 17.03.035A as specified in an approved commercial Agriculture Farm Management Plan as set forth in ICC 17.03.180.G.
- C. **Designation Criteria.** Parcels that meet the following criteria qualify as rural Agricultural Land and shall be classified in the Rural Agricultural classification:
- 1. The Lot Tract or Parcel is at least ten (10) acres; or smaller Contiguous Lots owned by the same Owner that, in combination, are at least ten (10) acres in size;
 - 2. The Lot, Tract or Parcel was classified in the open agricultural tax classification or, if withdrawn, all taxes, interest and penalties were not paid in full as of June 2, 1999; and
 - 3. The Lot, Tract or Parcel is not classified CA or located in a UGA or RAID.
- D. **Lot/Density.** Lot or density requirements shall be as follows:
- 1. Minimum Lot size shall be ten (10) acres. Base Density shall be one (1) Dwelling Unit per ten (10) gross acres of site area.
 - 2. For a PRD ten (10) acres or larger in size, the minimum Lot size may be modified to an average density of one (1) Dwelling Unit per ten (10) gross acres of site area.
 - 3. Earned Development Units may be used, Lot Size may be decreased and Density may be increased pursuant to an adopted Management Plan by boundary line adjustment, Short Subdivision, Subdivision or PRD.
 - 4. For legally created Existing Lots, each Lot may be sold, leased or transferred. Provided that, said Lot, if it still meets the designation criteria set forth in ICC 17.03.090.C, said Lot shall continue to be used for RA Permitted or Conditional Uses.
 - 5. The Lot size limitation set forth above shall not apply when:
 - a) the new Lot is to be sold, exchanged or transferred through a boundary line adjustment pursuant to Chapter 16.06 ICC to an adjacent RF, CA or RA property Owner who will continue to maintain Permitted and Conditional Uses; or

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- b) an Existing Lot is proposed to be modified through a boundary line adjustment and will not subsequently be further modified in size or used in combination with unregulated subdivision such that new Lots are created that are less than the required minimum lot size.
- 6. For Lots created pursuant to this section, a notation advising of the Lot creation in compliance with Chapter 16.25 ICC will be recorded and placed on the face of the boundary line adjustment, short plat, plat, or PRD.
- 7. A division of land into Lots, Tracts or Parcels that are less than three (3) acres is permitted, when the Lot(s) are or will be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities as they are defined in ICC 16.06.030.K. Divisions of lands fulfilling these requirements shall not be subject to the Subdivision and Short Subdivision provisions of Chapter 16.06 ICC and shall be recorded in accordance with chapter 58.09 RCW. Base density requirements shall continue to apply for purposes of residential development to any Lots, Tracts, or Parcels created pursuant to this provision.
- E. **Setbacks.** Unless otherwise provided in this Chapter, Setback requirements shall be as follows:
 - 1. Setbacks are specified in ICC 17.03.180.S.
 - 2. Reduced Setbacks may be approved when necessary to minimize impact on resource land pursuant to ICC 17.03.180.S.
 - 3. For permitted or Conditional Uses adjacent to lands classified AP or a Surface Mining operation:
 - a) The Setback requirements of this section may be increased to ensure that such uses do not Interfere with Permitted Uses allowed in the AP zone or a Surface Mining operation; and
 - b) A notation shall be placed on the face of any plat, short plat, PRD or building permit(s) and included in documents of conveyance and any recorded covenants as provided in Chapter 16.25 ICC.
- F. **Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, water tanks, skylights, silos, communication sending and receiving devices, HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.
- G. **Verification of Rural Agriculture (RA) Zone Classification.** Parcels classified RA shall be converted to R, processed as a technical Type IV amendment pursuant to Chapter 16.19 ICC with no County permit fee charged the Owner if the Parcel is not farmable due to the critical area regulations contained in Chapter 17.02 ICC or if the Owner demonstrates that as of June 2, 1999, the Parcel did not meet the designation criteria set forth in subsection C above.

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17.03.100 Commercial Agriculture (CA) Zone

The primary purpose of the Commercial Agriculture (CA) zone is to protect and encourage the long term Commercially productive Use of Island County's agricultural resource lands of long term Commercial significance that have been designated pursuant to RCW 36.70A.170. It is established to identify geographic areas where a combination of soil, and topography allow Commercial farming practices to be conducted in an efficient and effective manner; to help maximize the productivity of the lands so classified; to protect farming operations from Interference by non-farmers; and to maintain agricultural land areas for Agriculture Use free from conflicting non-farm uses. Otherwise, the purposes of the zoning classification are the same as the RA zone.

A. Permitted Uses. Processed as Type I decisions pursuant to Chapter 16.19 ICC:

1. Accessory Uses;
2. All uses which are necessary to the production, harvesting, sale or processing of agricultural products or have the principal purpose of carrying out or facilitating the practice of farming and farm activities;
3. Bed and Breakfast Room;
4. Dwelling Units for farm workers employed by the farm operator;
5. Farm Produce Stand and Forest Products Stand;
6. The growing, harvesting, sale and managing of agricultural products including horticulture and Livestock;
7. The growing, harvesting, sale (including seasonal sales) and managing of forest products or any forest crop, in accordance with the Washington Forest Practices Act and regulations adopted pursuant thereto, including, but not limited to, timber, Christmas trees, nursery stock, and floral vegetation;
8. Guest Cottage;
9. Home Occupation;
10. Minor Utilities;
11. Single Family Dwelling Unit;
12. Temporary Uses;
13. Water Tank;
14. Winery;
15. Farm equipment storage and repair facilities;
16. Veterinarian Clinic;

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17. Day Care Nursery and Small Day Care Center (no more than six (6) persons); ~~and~~

18. Accessory Living Quarters-; and

19. Marijuana Producer deemed a Type I land use decision in 17.03.180.BB.

Provided that any Permitted Use shall be disapproved upon finding that it will interfere with efficient management or productivity of commercial agricultural Uses.

B. Conditional Uses

1. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:

- a) Communication Towers;
- b) Home Industry as specified in ICC 17.03.180;
- c) Equestrian Center as specified in ICC 17.03.180;
- d) Small Day Care Center;
- e) Bed and Breakfast Inn; ~~and~~
- f) Recreational Aerial Activities as specified in ICC 17.03.180-; and

g) Marijuana Producer and/or Processor deemed a Type II land use decision in 17.03.180.BB.

2. Uses allowed upon Site Plan approval processed as Type III decisions and requiring a community meeting pursuant to Chapter 16.19 ICC:

- a) Covered Equestrian Center as specified in ICC 17.03.180; ~~and~~
- b) Home Industries as specified in ICC 17.03.180, except that a community meeting is not required-; and

c) Marijuana Producer and Processor deemed a Type III land use decision in 17.03.180.BB.

3. Earned Development Units after approval by the Board of a Commercial Agriculture Farm Management Plan as set forth in ICC 17.03.180.G, processed as a Type IV decision, pursuant to Chapter 16.19 ICC.

4. Certain use allowed in the R zone identified in ICC 17.03.035A as specified in an approved Commercial Agriculture Farm Management Plan as set forth in ICC 17.03.180.G, processed as a Type IV decision, pursuant to Chapter 16.19 ICC.

C. Prohibited Uses

1. Surface Mines; and

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2. Essential Public Facilities.

D. **Designation Criteria.** Parcels that meet the following criteria qualify as resource Agricultural Land and shall be classified in the Commercial Agriculture classification:

1. The Lot, Tract or Parcel is at least twenty (20) acres in size or smaller contiguous lots owned by the same Owner that, in combination, are at least twenty (20) acres in size; and
2. At least twenty-five percent (25%) of the Lot, Tract or Parcel is composed of prime soils; and
3. The Lot, Tract or Parcel as of June 2, 1999, is classified in the open agriculture tax program or if withdrawn, all taxes, interest and penalties were not paid in full as of June 2, 1999; and
4. The Lot, Tract or Parcel is not located within a Drainage or Diking District or otherwise protected by dikes, UGA, RAID, State Park or owned by the Navy.

E. **Lot/Density**

1. Minimum Lot size shall be twenty (20) acres. Base Density shall be one (1) Dwelling Unit per twenty (20) acres of gross site area.
2. For a PRD twenty (20) acres or larger in size, the minimum Lot size may be modified to an average density of one (1) Dwelling Unit per twenty (20) gross acres of site area.
3. Earned Development Units may be used, Lot Size may be decreased and Density may be increased pursuant to an adopted Management Plan by boundary line adjustment, Short Subdivision, Subdivision or PRD.
4. For legally created Existing Lots, each Lot may be sold, leased or transferred. Provided that, if it still meets designation criteria set forth in ICC 17.03.100.D, said Lot shall continue to be used for CA Permitted or Conditional Uses.
5. The Lot size limitation set forth above shall not apply when:
 - a) the new Lot is to be sold, exchanged or transferred through boundary line adjustment pursuant to Chapter 16.06 ICC to an adjacent RF, CA or RA property Owner who will continue to maintain Permitted or Conditional Uses; or
 - b) an Existing Lot is proposed to be modified through a boundary line adjustment and will not subsequently be further modified in size or used in combination with unregulated subdivision such that new Lots are created that are less than the required minimum lot size.
6. For Lots created pursuant to this section, a notation advising of the Lot creation in compliance with Chapter 16.25 ICC will be recorded and placed on the face of the boundary line adjustment, short plat, plat, or PRD.

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7. A division of land into Lots, Tracts or Parcels that are less than three (3) acres is permitted, when the Lot(s) are or will be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities as they are defined in ICC 16.06.030.K. Divisions of lands fulfilling these requirements shall not be subject to the Subdivision and Short Subdivision provisions of Chapter 16.06 ICC and shall be recorded in accordance with chapter 58.09 RCW. Base density requirements shall continue to apply for purposes of residential development to any Lots, Tracts, or Parcels created pursuant to this provision.

F. Setbacks

1. Setbacks are specified in ICC 17.03.180.S.
2. Reduced Setbacks may be approved when necessary to minimize impact on resource land pursuant to ICC 17.03.180.S.
3. For permitted or Conditional Uses adjacent to lands classified AP or a Surface Mining operation:
 - a) The Setback requirements of this section may be increased to ensure that such uses do not Interfere with Permitted Uses allowed in the AP zone or a Surface Mining operation; and
 - b) A notation shall be placed on the face of any plat, short plat, PRD or building permit(s) and included in documents of conveyance and any recorded covenants as provided in Chapter 16.25 ICC.

- G. Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, water tanks, skylights, silos, communication sending and receiving devices, HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.

- H. Verification of Commercial Agriculture (CA) Zone Classification.** Parcels classified CA shall be converted to RA, processed as a technical Type IV amendment pursuant to Chapter 16.19 ICC with no County permit fee charged the owner if:

1. Water rights are not available to the Parcel and less than fifty percent (50%) of the Parcel contains prime soils; or
2. The Parcel contains less than twenty-five percent (25%) prime soils; or
3. The Parcel is not farmable due to the critical area regulations contained in Chapter 17.02 ICC; or
4. The Owner demonstrates that, as of June 2, 1999, the Parcel did not meet the designation criteria set forth in subsection D above.

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For one-hundred-eighty (180) days after the effective date of this amendment, if a property owner files a request for a technical amendment to be removed from the CA classification, the County shall, at no cost to the Owner complete any necessary studies to verify the presence of prime soils. A technical amendment under this subsection may be processed simultaneously with a zoning amendment filed pursuant to ICC 17.03.220.

17.03.110 Rural Forest (RF) Zone

The primary purpose of the Rural Forest (RF) zone is to protect and encourage the long term productive Use of Island County's forest land resources of local Significance. It is established to identify geographical areas where Commercial Forest management practices can be conducted in an efficient manner; and to help maximize the productivity of the land so classified. Secondly, lands classified RF provide recreation opportunities, scenic Open Space, wildlife habitat and watershed management to the extent such Use is consistent with the primary purposes of the Zone.

A. Permitted Uses. Process as Type I decisions pursuant to Chapter 16.19 ICC:

1. Accessory Uses;
2. All uses and activities necessary to the production of forest products and/or the harvesting and processing of timber or which have the principal purpose of carrying out or facilitating forestry;
3. Bed and Breakfast Room;
4. Farm Produce Stand and Forest Products Stand;
5. The growing, harvesting, sale and managing of forest products or any forest crop, in accordance with the Washington Forest Practices Act and regulations adopted pursuant thereto, including, but not limited to, timber, Christmas trees, nursery stock, and floral vegetation;
6. Guest Cottage;
7. Home Occupation;
8. Livestock husbandry;
9. Minor Utilities;
10. Single Family Dwelling Unit;
11. Temporary Uses;
12. Water Tank;
13. Day Care Nursery (no more than six (6) persons);
14. Group Home (no more than six (6) persons); and

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15. Accessory Living Quarters; and

16. Marijuana Producer deemed a Type I land use decision in 17.03.180.BB

Provided that any Permitted Use shall be disapproved upon finding that it will Interfere with efficient management or productivity of forest management uses.

B. Conditional Uses

1. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions, pursuant to Chapter 16.19 ICC:
 - a) Public Boat Launch;
 - b) Campground and Recreation Vehicle Park which do not exceed three (3) sites per gross acre of the site area;
 - c) Communication Towers;
 - d) Equestrian Center as specified in ICC 17.03.180;
 - e) Home Industry as specified in ICC 17.03.180;
 - f) Kennel;
 - g) Bed and Breakfast Inn;
 - h) Small Day Care Center; ~~and~~
 - i) Recreational Aerial Activities as specified in ICC 17.03.180; and
 - j) Marijuana Producer and Processor deemed a Type II land use decision in 17.03.180.BB.**
2. Uses allowed upon Site Plan approval processed as Type III decisions and requiring a community meeting pursuant to Chapter 16.19 ICC:
 - a) Gun Club and Shooting Range;
 - b) Surface Mine;
 - c) Covered Equestrian Center as specified in ICC 17.03.180;
 - d) Churches except that a community meeting is not required if seating capacity is no more than 150 or fewer persons or a 2,000 square foot assembly area is proposed;
 - e) Essential Public Facilities; ~~and~~
 - f) Home Industries as specified in ICC 17.03.180, except that a community meeting is not required; and

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g) Marijuana Producer and Processor deemed a Type III land use decision in 17.03.180.BB.

- C. **Designation Criteria.** Parcels that meet the following criteria qualify as rural forest land and shall be classified in the rural forest classification:
1. The Lot, Tract or Parcel is at least twenty (20) acres in size, owned by the County, State or Federal Government and managed for Forest Use; or
 2. The Lot Tract or Parcel is in a single Ownership of at least twenty (20) acres; or smaller Contiguous Lots owned by the same Owner that, in combination, are at least twenty (20) acres in size; and
 3. The Lot, Tract or Parcel was classified in the classified or designated forest tax classification, or, if withdrawn, all taxes, interest and penalties were not paid in full as of the effective date of this Chapter.
- D. **Lot/Density.** Lot requirements shall be as follows:
1. Minimum Tract or Parcel size shall be ten (10) acres. Base Density shall be one (1) Dwelling Unit per ten (10) gross acres of site.
 2. For Lots, Tracts or Parcels twenty (20) acres or larger in size the Base Density may be increased as specified in ICC 17.03.180.E through the approval of a PRD pursuant to Chapter 16.17 ICC with fractional units rounded upward to the next whole number.
 3. For legally created Existing Lots, each Lot, may be sold or transferred. Provided that, if it still meets the designation criteria set forth in ICC 17.03.110.C, said Lot shall continue to be used for RF Permitted or Conditional Uses.
 4. The Lot size limitation set forth above shall not apply when:
 - a) the new Lot is to be sold, exchanged or transferred through boundary line adjustment pursuant to Chapter 16.06 ICC to an adjacent RF, CA or RA property Owner who will continue to maintain Permitted or Conditional Uses; or
 - b) an Existing Lot is proposed to be modified through a boundary line adjustment and will not subsequently be further modified in size or used in combination with unregulated subdivision such that new Lots are created that are less than the required minimum lot size.
 5. For Lots created pursuant to this section, a notation advising of the Lot creation in compliance with Chapter 16.25 ICC will be recorded and placed on the face of the boundary line adjustment, short plat, plat, or PRD.
 6. A division of land into Lots, Tracts or Parcels that are less than three (3) acres is permitted, when the Lot(s) are or will be used for the purpose of establishing a site for construction and

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operation of consumer-owned or investor-owned electric utility facilities as they are defined in ICC 16.06.030.K. Divisions of lands fulfilling these requirements shall not be subject to the Subdivision and Short Subdivision provisions of Chapter 16.06 ICC and shall be recorded in accordance with chapter 58.09 RCW. Base density requirements shall continue to apply for purposes of residential development to any Lots, Tracts, or Parcels created pursuant to this provision.

- E. **Setbacks.** Unless otherwise provided in this Chapter, Setback requirements shall be as follows:
1. Setbacks are specified in ICC 17.03.180.S.
 2. Reduced Setbacks may be approved when necessary to minimize impact on resource land pursuant to ICC 17.03.180.S.
 3. For permitted or Conditional Uses adjacent to lands classified AP or a Surface Mining operation:
 - a) The Setback requirements of this section may be increased to ensure that such uses do not Interfere with Permitted Uses allowed in the AP zone or a Surface Mining operation; and
 - b) A notation shall be placed on the face of any plat, short plat, PRD or building permit(s) and included in documents of conveyance and any recorded covenants as provided in Chapter 16.25 ICC.
- F. **Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, water tanks, skylights, silos, communication sending and receiving devices, HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.
- G. **Verification of Rural Forest (RF) Zone Classification.** Parcels classified RF shall be converted to R, processed as a technical Type IV amendment pursuant to Chapter 16.19 ICC with no County permit fee charged the Owner if the Owner demonstrates that, as of December 1, 1998, the Parcel did not meet the designation criteria set forth in subsection C above.

17.03.120 Rural Center (RC) Zone

The Rural Center (RC) Zone is applied to Existing areas of intense Non-Residential and Mixed-Use development and encompasses the Logical Outer Boundary of the Existing pattern of development.

This Zone permits a range of Commercial, Light Manufacturing and Multi-family Uses that serve a broad geographic area. Mixed-Use Structures are encouraged. All Uses within a Rural Center must comply with Land Use Standards, including Non-Residential design landscape and screening guidelines set forth in ICC 17.03.180.O.

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A. **Permitted Uses.** Permitted Uses shall not exceed 12,000 square feet of gross floor area or eight (8) Dwelling/living units per Lot, Tract or Parcel and shall be processed as Type I decisions pursuant to Chapter 16.19 ICC.

1. Accessory Uses;
2. Banking and Financial Services;
3. Churches and Schools;
4. Cultural Center;
5. Day Care Centers;
6. Eating and Drinking Establishments;
7. Entertainment Uses;
8. Fire Station;
9. Governmental Services;
10. Group Home;
11. Health Care Services;
12. Light Manufacturing Uses;
13. Minor Utilities;
14. Mixed-Use;
15. Multi-family housing;
16. Office including Research and Development Uses;
17. Overnight Lodging;
18. Retail Sales and Services;
19. Storage, Outdoor and Mini Storage;
20. Temporary Uses;
21. Veterinary Clinics;
22. Warehouses; and
23. Water Tanks.

B. **Conditional Uses**

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1. Any Permitted Use that exceeds 12,000 square feet of Gross Floor Area or eight (8) Dwelling/living units may be allowed upon Site Plan approval processed as a Type II decision pursuant to Chapter 16.19 ICC.
2. Communication Towers may be allowed upon Site Plan approval processed as a Type II decision pursuant to Chapter 16.19 ICC.
3. Major Utilities and Essential Public Facilities may be allowed upon Site Plan approval processed as a Type III decision pursuant to Chapter 16.19 ICC.

4.) Marijuana Retailer deemed a Type II land use decision in 17.03.180.BB.

C. Prohibited Uses

1. Junk and Salvage Yards;
2. Single Family Dwelling Units; and
3. Any Building greater than 50,000 square feet of Gross Floor Area.

D. Designation Criteria and Areas. Areas with a predominant pattern of Mixed-Use development Existing on July 1, 1990 may be designated RC when all of criteria set forth below are met. Specific areas are listed in ICC 17.03.155 and depicted in the Zoning Atlas. Specific conditions can be found in Appendix A:

1. Parcels served by an approved public water system; and
2. Contain multi-family residential and non-residential uses legally established prior to July 1, 1990; and
3. In combination with other Parcels, are at least forty (40) acres or larger in size; and
4. Parcels that are adjacent to or between areas defined by designation criteria No. 2 that establish a Logical Outer Boundary for the RC zone.

E. Lot/Density. Lot and density requirements shall be as follows:

1. Minimum Lot size shall be the minimum Lot size required by County Health Department requirements.
2. Maximum residential density shall be the maximum permitted by County Health Department requirements.

F. Setbacks and Height. Setback and height requirements shall be as follows:

1. Front Yard Setback - none. See ICC 17.03.180.S.
2. Side and Rear Yard Setback - minimum ten (10) feet.

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3. Height - three (3) stories not to exceed forty (40) feet, excluding rooftop mechanical equipment.

17.03.130 Rural Village (RV) Zone

The Rural Village (RV) Zone is applied to Existing areas of Mixed-Use or intense Non-Residential or Commercial development and encompasses the Logical Outer Boundary of the Existing pattern of Mixed-Use or Non-Residential development located on a State highway or County arterial. This Zone permits a range of Commercial services that are limited in scale, intensity and size that typically serve a localized geographic area. Mixed-Use Structures are encouraged. All Uses within a Rural Village must comply with Land Use Standards, including Non-Residential design, landscape and screening guidelines set forth in ICC 17.03.180.

- A. **Permitted Uses.** Permitted Uses shall not exceed 4,000 square feet of gross floor area, processed as Type I decisions pursuant to Chapter 16.19 ICC.
1. Accessory Uses;
 2. Banking and Financial Services;
 3. Cultural Center, including associate overnight lodging;
 4. Day Care Centers;
 5. Eating and Drinking Establishments;
 6. Fire Stations;
 7. Governmental Services;
 8. Health Care Services;
 9. Mixed-Use (with Residential not to exceed eight (8) Dwelling Units per Lot or Parcel in a Mixed-Use Building);
 10. Minor Utilities;
 11. Retail Sales and Services;
 12. Single Family Dwelling;
 13. Temporary Uses; and
 14. Veterinary Clinics.

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B. Conditional Uses

1. Any Permitted Use that exceeds 4,000 square feet of Gross Floor Area may be allowed upon Site Plan approval, processed as Type II decisions pursuant to Chapter 16.19 ICC.
2. Major Utilities and Essential Public Facilities may be allowed upon Site Plan approval processed as a Type III decision pursuant to Chapter 16.19 ICC.

3. Marijuana Retailer deemed a Type II land use in 17.03.180.BB.

C. Prohibited Uses

1. All Uses not expressly permitted by this Chapter or through Code interpretation pursuant to ICC 17.03.190.
2. Any Building greater than 10,000 square feet of gross floor area.

D. Designation Criteria and Areas. Areas with a predominant pattern of Mixed-Use or Non-Residential development Existing on July 1, 1990 may be designated RV when all of the following criteria set forth are met. Specific areas are listed in ICC 17.03.155 and depicted in the Zoning Atlas. Specific conditions can be found in Appendix A.

1. Parcels served by an approved public or private water system; and
2. Contain Residential and Non-Residential Uses legally established prior to July 1, 1990; and
3. In combination are five (5) acres or larger in size; and
4. Parcels that are adjacent to or between areas defined by designation criteria No. 2 that establish a Logical Outer Boundary for the RV Zone.

E. Lot/Density. Lot size requirements shall be the minimum Lot size required by County Health Department requirements.

F. Setback and Height. Setback and height requirements shall be as follows:

1. Front Yard Setback - maximum fifty (50) feet.
2. Side and Rear Yard Setback - minimum ten (10) feet.
3. Height - Two (2) stories not to exceed thirty (30) feet excluding rooftop mechanical equipment.

17.03.135 Camano Gateway Village (CGV) Zone

The Camano Gateway Village (CGV) Zone is applied to the Camano Gateway and Terry's Corner Existing areas of Mixed Use, Non-Residential or Commercial development. This Zone permits a range of Uses that are limited in scale, intensity and size that provide Commercial services to local residents and Uses that support local commerce.

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A. **Permitted Uses.** Permitted Uses shall not exceed 4,000 square feet of Gross Floor Area, processed as a Type I decision pursuant to Chapter 16.19 ICC.

1. Finance, Real Estate and Banking Services;
2. Small Scale Health Care Services;
3. Veterinary Clinics;
4. Office space;
5. Small Scale Retail Sales and Services such as boutiques, clothing stores, bakeries, ice cream shops, food markets, beauty salons, craft stores, and art galleries, except that convenience services such as gas stations, convenience stores, grocery stores and box stores are prohibited;
6. Eating and Drinking Establishments such as restaurants, cafes and coffee shops, including drive-through espresso stands, except that drive-through food service is prohibited;
7. Overnight lodging, not to exceed twenty (20) units per acre;
8. A Mixed-Use development with eight (8) or fewer units where the Residential component is located on the second floor or, if it is detached, the Residential component is fully integrated into a Commercial development where there is a physical and functional connection between the Commercial and Residential Uses;
9. Fire Stations;
10. Government Services;
11. Temporary Uses such as festivals, music events, Christmas tree sales, and outdoor movies;
12. Uses and Structures that are accessory or secondary to a primary Permitted or Conditional Use; and
13. Lumberyards.

B. **Conditional Uses**

1. Any Structure that exceeds 4,000 square feet of Gross Floor Area.
2. Overnight Lodging that exceeds eight (8) units, not to exceed twenty (20) units per acre (9 to 20 units is a Type II Decision and 21 to 40 units is a Type III Decision).
3. Retail Sales of outdoor bulk goods such as bark, topsoil, and rock.
4. A Mixed Use development that exceeds eight (8) Residential units.
5. **Marijuana Retailer deemed a Type II land use in 17.03.180.BB.**

C. **Prohibited Uses**

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1. All Uses not expressly permitted by this Chapter or through Code interpretation pursuant to ICC 17.03.190.
2. Any Building greater than 10,000 square feet of Gross Floor Area, unless other specific regulations govern the Use (e.g., Fire Stations and Overnight Lodging).
3. Major Utilities such as sewer treatment plants or power sub-stations.
4. Large Scale Retail Sales and Services such as large department and box stores, warehouse stores, grocery stores, etc.
5. Wholesale sales of outdoor bulk goods such as bark, topsoil, and rock.
6. Drive-through food service (not including espresso stands) and grocery stores.
7. Essential Public Facilities (these are defined in the Code and include jails, universities, military bases, etc.).
8. Convenience stores and gas stations.
9. Outdoor Commercial Storage and/or Retail Sales of trailers, Mobile Homes, Manufactured Homes, pre-fabricated structures, Recreational Vehicles, heavy equipment, automobiles, boats, etc.
10. Rock and Gravel Pits.
11. Disconnected Mixed Use where there is no physical or functional connection or relationship between the Residential Use and a Commercial Use.
12. Overnight Lodging exceeding 40 units.

D. **Designation Criteria.** Areas with a predominant pattern of Mixed Use or Non-Residential development Existing on July 1, 1990 may be designated CGV when all of the following criteria are met. (Specific areas are listed in ICC 17.03.155 and depicted in the Zoning Atlas):

1. Parcels served by an approved public or private water system;
2. Contain Residential and Non-Residential Uses legally established prior to July 1, 1990;
3. In combination are five (5) acres or larger in size;
4. Parcels that are adjacent to or between areas defined by designation criterion No. 2 that establish a Logical Outer Boundary for the RV Zone; and
5. Existing areas of clustered Commercial development that are located along the SR 532 corridor to Camano Island.

E. **Lot/Density/Intensity**

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1. The minimum Lot size in the CGV Zone is 21, 780 square feet (1/2 acre); however, Residential units that are part of a Mixed Use development may create Lot sizes that allow each unit to be on its own separate Parcel, e.g., zero Lot line.
2. Mixed Use development shall not exceed a density of three (3) Dwelling Units per acre.
3. Overnight Lodging shall not exceed twenty (20) rooms per acre.
4. Individual Structures shall not exceed 10,000 square feet of Gross Floor Area, except for Fire Stations and Overnight Lodging.
5. Multiple Structures and multiple Permitted and Conditional Uses may be allowed on a single Parcel.

F. Setbacks and Height

1. Front Yard Setback – maximum fifty (50) feet and minimum ten (10) feet from public roads. Structures with a ten (10) foot front yard Setback shall be limited to eighty percent (80%) of the Lot width, exclusive of required side yard setbacks. Exceptions to Setback standards can be made for parking if a plan is proposed that can preserve the unique natural beauty and character of the County by meeting the Parking standards listed in section 17.03.180.Q.
2. Side and Rear Yard Setback – minimum ten (10) feet.
3. Structures that are located on the same Parcel must be separated by a minimum of twenty-five (25) feet except that:
 - a) Individual Structures may be connected via Covered Open Air Walkways, provided that two-story Structures may not be connected on both stories on the same side; and
 - b) Covered Open Air Walkways may provide pedestrian connection between individual Structures irrespective of whether they are on the same Parcels and do not have to meet any of the property line Setback requirements.
4. Height – Two (2) stories not to exceed thirty-five (35) feet, excluding roof top mechanical equipment, elevator shafts, features that are designed to hide roof top mechanical equipment, railings, umbrellas, vegetation or roof top accessories that promote green roof technology and the use of roof top gathering space. Other exceptions to the height standard can be made for non-useable roof top Structures that enhance architectural creativity and preserve Rural Character.

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17.03.140 Rural Service (RS) Zone

The Rural Service (RS) Zone is applied to isolated Existing Mixed-Use, Retail or Retail Service businesses located in the Rural Zone that typically are not Permitted or Conditional Uses in that zone. This Zone permits a very limited range of Mixed-Use or Non Residential Uses that provide

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convenience shopping and services to a localized geographic area. Mixed-Use Structures are encouraged. All uses within a Rural Service Zone must comply with Land Use Standards, including Non-Residential, landscape and screening design guidelines set forth in ICC 17.03.180.

- A. **Permitted Uses.** Permitted Uses shall not exceed four-thousand (4,000) square feet of Gross Floor Area, processed as Type I decisions pursuant to Chapter 16.19 ICC.
1. Accessory Uses;
 2. Day Care Centers;
 3. Mixed-Use (with Residential not to exceed six (6) Dwelling Units per Lot or Parcel in a Mixed-Use Building. The residential component of the mixed use shall not be included in the 4,000 square foot size limit);
 4. Retail Sales and Services; and
 5. Water Tanks; and
 6. Marijuana Producer deemed a Type I land use in 17.03.180.BB.
- B. **Conditional Uses.** None
1. Marijuana Producer and/or Processor deemed a Type II or III land use decision in 17.03.180.BB; and
 2. Marijuana Retailer deemed a Type II land use in 17.03.180.BB.
- C. **Prohibited Uses.** All Uses not expressly permitted.
- D. **Designation Criteria and Areas.** Isolated Mixed-Use or Non-Residential Uses on Lots less than two and one-half (2.5) acres Existing on July 1, 1990 may be designated RS. Specific areas are listed in ICC 17.03.155 and depicted in the Zoning Atlas. Specific conditions can be found in Appendix A.
- E. **Lot/Density.** Lot size requirements shall be the minimum Lot size required by County Health Department requirements but shall not exceed two and one-half (2.5) acres.
- F. **Setbacks and Height.** Setback and height requirements shall be as follows:
1. Setbacks - minimum ten (10) feet.
 2. Height - one and one-half (1-1/2) stories not to exceed twenty-five (25) feet including rooftop mechanical equipment.

17.03.145 Light Manufacturing (LM) Zone

The Light Manufacturing Zone is applied to existing areas of Non-Residential use that do not meet the designation criteria for the RC, RV or RS zones. The Camano Annex and SR 20 (South of Coupeville)

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industrial area are both designated LM Zones. All Uses within the LM Zone must comply with Land Use Standards set forth in ICC 17.03.180.

A. **Permitted Uses.** Processed as Type I decisions pursuant to Chapter 16.19 ICC:

1. Accessory Uses;
2. Fire Stations;
3. Governmental Services;
4. Light Manufacturing Uses;
5. Minor Utilities;
6. Research and Development Uses;
7. Storage, Outdoor and Mini Storage;
8. Warehouses; and
9. Water Tanks; and

10. Marijuana Producer deemed a Type I land use decision in 17.03.180.BB.

B. **Conditional Uses**

1. Communication Towers may be allowed upon Site Plan approval processed as a Type II decision pursuant to Chapter 16.19 ICC.
2. Major Utilities and Essential Public Facilities may be allowed upon Site Plan approval processed as a Type III decision pursuant to Chapter 16.19 ICC.

3. Marijuana Producer and/or Processor deemed a Type II or III land use decision in 17.03.180.BB.

- C. **Prohibited Uses.** All Uses not expressly permitted by this Chapter or through Code Interpretation pursuant to ICC 17.03.190.
- D. **Designation Criteria and Areas.** Areas with a predominant pattern of Non-Residential development existing on July 1, 1990 may be designated LM when the criteria set forth in ICC 17.03.130 are met and have direct access to a State Highway or County arterial. Specific areas are listed in ICC 17.03.155 and depicted in the Zoning Atlas.
- E. **Lot/Density.** Lot size requirements shall be the minimum lot size required by County Health Department requirements.
- F. **Setback and Height.** Setback and height requirements shall be the same as those set forth in ICC 17.03.130. Larger setbacks may be required to screen Structures and other improvements so that visibility is obscured from State highways.

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17.03.150 Airport (AP) Zone

The Airport (AP) Zone is applied to Existing non-military Airports. This zone allows Airport related uses and other Non-Residential uses that are Compatible with Airport operations. The Airport, aviation support activities and accessory uses are treated as Essential Public Facilities. All Uses within the AP Zone must comply with Land Use Standards set forth in ICC 17.03.180.

A. Permitted Uses. Processed as Type I decisions pursuant to Chapter 16.19 ICC.

1. Accessory Uses;
2. Airport Facilities;
3. Airport Support Facilities;
4. Eating and Drinking Establishments;
5. Fire Stations;
6. Light Manufacturing Uses;
7. Minor Utilities;
8. Research and Development Uses;
9. Single Family Dwelling;
10. Storage, Outdoor and Mini Storage;
11. Temporary Uses;
12. Warehouses; and
13. Water Tanks; and

14. Marijuana Producer deemed a Type I land use decision in 17.03.180.BB.

B. Conditional Uses

1. Uses allowed upon Site Plan approval pursuant to this Chapter and Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC.
 - a) Any Permitted Use that exceeds twelve-thousand (12,000) square feet in gross floor area; and
 - b) Junk and Salvage Yards.

c) Marijuana Producer and/or Processor deemed a Type II land use decision in 17.03.180.BB.
2. Major Utilities and Essential Public Facilities may be allowed upon Site Plan approval processed as a Type III decision pursuant to Chapter 16.19 ICC.

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3. Marijuana Producer and/or Processor deemed a Type III land use decision in 17.03.180.BB.

- C. **Prohibited Uses.** All uses not expressly permitted by this Chapter or through Code Interpretation pursuant to ICC 17.03.190.
- D. **Designation Criteria and Areas.** Areas that encompass a non-military Airport Existing on July 1, 1990 may be designated AP when the criteria set forth below are met. Specific areas are listed in ICC 17.03.155 and depicted in the Zoning Atlas.
1. Parcels containing Airport, Support and Accessory facilities legally established prior to July 1, 1990; and
 2. Parcels that are adjacent to areas defined by designation criteria No. 1 that establish a Logical Outer Boundary for the AP Zone.
- E. **Lot/Density.** Lot size requirements shall be the minimum Lot size required by County Health Department requirements.
- F. **Setback and Height.** (Reserved.)

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17.03.180 Land Use Standards

The Land Use Standards contained in this section supplement the general land Use regulations of this Chapter and the specific development standards contained in other Chapters of the Island County Code.

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- Z. **Aircraft Accident Potential Zone.** The primary purpose of the Aircraft Accident Potential Zone (APZ) Overlay is to promote the public health, safety, and general welfare by minimizing the hazards incident to development in the immediate vicinity of aircraft paths of arrival and departure associated with NAS Whidbey.
1. The following table describes uses that may be established on non UGA parcels that are located within Accident Potential Zones.

USES	CLEAR ZONE	APZ-I	APZ-II
Accessory Living Quarters	No	No	Yes
Accessory Uses	No	Yes	Yes
Agriculture or Forest Products Processing	No	Yes	Yes
Agricultural Products – Growing, Harvesting, Managing and Selling ¹	Yes	Yes	Yes
Animal Shelter	No	No	Yes
Bed and Breakfast Room (No more than 2 rooms)	No	No	Yes

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USES	CLEAR ZONE	APZ-I	APZ-II
Bed and Breakfast Inn (3 to 6 rooms)	No	No	No
Public/Community Boat Launch	No	Yes	Yes
Campground and Recreation Vehicle Park	No	No	No
Church	No	No	No
Communication Tower ²	No	No	Yes
Country Inn (7 to 40 rooms)	No	No	No
Day Care Nursery (6 or fewer persons)	No	No	No
Small Day Care Center (7 to 12 persons)	No	No	No
Equestrian Center	No	No	No
Essential Public Facilities	No	No	No
Seasonal Farmer's Market	No	No	Yes
Farm Produce Stand and Forest Product Stand	No	No	Yes
Fire Station	No	No	Yes
Forest Products – Growing, Harvesting, Managing and Selling	No	Yes	Yes
Group Home	No	No	No
Guest Cottage	No	No	Yes
Gun Club and Shooting Range	No	No	No
Home Industry	No	No	Yes
Home Occupation	No	No	Yes
Kennel	No	No	Yes
Livestock Husbandry	No	Yes	Yes
<u>Marijuana Processor</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Marijuana Producer</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
Minor Utilities	No	Yes	Yes
Major Utilities	No	Yes	Yes
Mobile Homes (for single wide homes – must have at least 2.5 acres)	No	Yes	Yes
Mobile/Manufactured Home Park	No	No	No
Schools, Public and Private	No	No	No
Seasonal Sale of Farm Produce	No	Yes	Yes
Single Family Dwelling	No	Yes	Yes
Small Scale Recreation Use	No	No	No
Small Scale Tourist Use	No	No	No
Mini Storage	No	Yes	Yes
Surface Mine	No	Yes	Yes
Temporary Uses	No	No	Yes

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USES	CLEAR ZONE	APZ-I	APZ-II
Water Tank	No	Yes	Yes
Recreational Aerial Activities	No	No	No
Veterinarian Clinic	No	No	No
Winery	No	No	Yes
Dwelling Units for Farm Workers	No	No	Yes
Rural Event Center	No	No	No
Earned Development Units	No	No	No
Farm Equipment Storage and Repair Facilities	No	Yes	Yes
Farm Management Plan	No	Yes	Yes
Day Care Centers	No	No	No
Mixed-Use (residential portion is based on number of dwelling units rather than sq. ft.)	No	No	No
Retail Sales and Services	No	No	No
Banking and Financial Services	No	No	Yes .22 FAR
Cultural Center, including associated overnight lodging	No	No	No
Eating and Drinking Establishments	No	No	No
Governmental Services	No	No	Yes .24 FAR
Health Care Services	No	No	No

¹ The growing, harvesting, and managing of agricultural products is allowed in all zones. However, the sale of agricultural products shall be limited to APZ-I and APZ-II.

² Communication Towers are further regulated by ICC 17.03.180.L.8

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- AA. **Overnight Lodging.** Overnight Lodging of up to forty (40) units may be established in the Camano Gateway Village (CGV) Zone provided the following standards are met.

...

- BB. Recreational Marijuana Producer, Processor and Retailer.** Marijuana manufacture and retail sales as defined in Chapter 17.03.040 and as authorized in the State of Washington under Initiative 502 are subject to Washington Administrative Code 314-55, to be conducted in locations allowed pursuant to WAC 314-55-050, and where permitted in zoning districts subject to the following standards and processes pursuant to Chapter 16.15 ICC: where designated as a Type I decision subject to the standards below; where designated as Type II or Type III decision, subject to the development standards below and Site Plan Review pursuant to Chapter 16.15 ICC. Permitted uses subject to SEPA will be processed at minimum as a Type II land use permit unless otherwise specified, and subject to Chapter 16.15 ICC.

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No part of this chapter is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 et seq., the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation.

1. Marijuana Producers as defined in WAC 314-55 shall meet the land Use standards of this Chapter and be subject to the following land use decision procedures and standards:
 - a) Type I: Tier I Producer, including those in buildings less than 4,000 sf in size.
 - b) Type II: Tier I Producer in buildings more than 4,000 sf in size; a Tier II Producer.
 - c) Type II: Any Tier I or Tier II Producer with Processor license on same site.
 - d) Type III: Any Tier III Producer.
 - e) Only those buildings or land areas specifically approved by the County may be used to conduct Marijuana Producer activities.
 - f) Parking shall be contained on-site and provided in conformance with this section.
 - g) Outdoor production, including all loading areas, shall be screened from the view of adjacent residential uses and set back from property lines no less than thirty (30) feet.
 - h) Structures shall comply with the lighting, signage, site coverage, and Non-Residential landscape and screening guidelines set forth in 17.03.180 unless otherwise subject to stricter site development standards of WAC 314-55.
 - i) For any Marijuana producing use, the County shall impose such reasonable conditions as are found necessary to ensure the use is compliant with WAC 314-55 and does not disrupt the character of any surrounding Permitted Uses.
 - j) Consistent with WAC 314-55-015, marijuana production may not take place in a single family residence or other dwelling unit, or be authorized as a home occupation or industry.
 - k) All security requirements of WAC 314-55-083 applicable to producers shall be required prior to final occupancy.
 - l) All waste disposal must be in accordance with WAC 314-55-097 and Chapter 8.08B ICC.

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2. Marijuana Processors, and those making Marijuana-infused Products as defined in WAC 314-55 shall meet the land use standards of this Chapter and be subject to the following application procedures and standards:
- a) All processors shall be subject to Type II Site Plan review pursuant to Chapter 16.15 ICC.
 - b) Minimum lot dimension on any property(s) to be used for processing shall be an average of 275 feet in distance between any lot lines. *DBM 5/5/14 HPS*
Parallel or opposite
 - c) Only those buildings or land areas specifically approved by the County may be used to conduct marijuana processing activities. Processors shall indicate in the site plan application and building permit application if proposing to use methods, equipment, solvents, gases and mediums as identified in WAC 314-55-104.
 - d) Parking shall be contained on-site and provided in conformance with this section.
 - e) All outdoor processing activities and loading areas shall be screened from the view of adjacent residential uses and set back from property no less than thirty (30) feet.
 - f) Structures shall comply with the lighting, signage, site coverage, and Non-Residential landscape and screening guidelines set forth in 17.03.180 unless otherwise subject to stricter site development standards of WAC 314-55.
 - g) For any marijuana processing use, the County shall impose such reasonable conditions as are found necessary to ensure the use is compliant with WAC 314-55 and does not disrupt the character of any surrounding Permitted Uses.
 - h) Consistent with WAC 314-55-015, marijuana processing may not take place in a single family residence or other dwelling unit, or be authorized as a home occupation or industry.
 - i) All security requirements of WAC 314-55-083 applicable to Marijuana Processors shall be required prior to final occupancy.
 - j) All waste disposal must be in accordance with WAC 314-55-097 and Chapter 8.08B ICC.
3. Marijuana Retailers as defined in WAC 314-55 shall meet the land use standards of this Chapter and be subject to the following application procedures and standards:
- a) All retailers shall be subject to Type II Site Plan review pursuant to Chapter 16.15 ICC.
 - b) Only those buildings specifically approved by the County may be used to conduct the business; no outdoor sales.
 - c) Parking shall be contained on-site and provided in conformance with this section.
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- d) Structures shall comply with the landscape, lighting, signage, site coverage, and Non-Residential landscape and screening guidelines set forth in 17.03.180 unless otherwise subject to stricter site development standards of WAC 314-55.
- e) For any marijuana retail use, the County shall impose such reasonable conditions as are found necessary to ensure the use is compliant with WAC 314-55 and does not disrupt the character of any surrounding Permitted Uses.
- f) Consistent with WAC 314-55-015, marijuana retail sales may not take place in a single family residence or other dwelling unit, or be authorized as a home occupation or industry.
- g) All security requirements of WAC 314-55-083 applicable to retailers shall be required prior to final occupancy.
- 4. Marijuana Producers, Processors and Retailers as defined in WAC 314-55 and by Chapter 17.03.040 may be subject to the design guidelines of Chapter 17.04A if located within the Ebey's Landing National Historic Reserve.
- 5. Marijuana Producers, Processors and Retailers subject to this section and WAC 314-55 are prohibited in the Rural Residential (RR) and Oak Harbor – Residential (OH-R) zones.
- 6. The County will not approve any permit required for a Marijuana Producer, Processor or Retailer in a location where law enforcement access, without notice or cause, is limited.

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Exhibit B

Board of Island County Commissioners Findings

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1: Compliance with Washington Administrative Code 314-55. Amendments to portions of the Island County Comprehensive Plan and Development Regulations that regulate development must also be consistent with state law and administrative rule. Washington Administrative Code (WAC) 314-55 guides licensing decisions of the Liquor Control Board, and contains standards for these land uses that at times supersede local ordinance. Amendments to Chapter 17 of the Island County Code addressing recreational marijuana land uses contain frequent reference to WAC 314-55, adopting sections of the state administrative code where applicable.

2: Public Notice and Compliance with Chapters 16.19 and 16.26, Island County Code. This action to amend development regulations of the Island County Code was initiated by the Board of Commissioners, and deemed not to require amendment of the Comprehensive Plan, as no existing elements of the Plan need to be altered to address development regulations of these uses. Therefore, this action is exempt from the annual review process, per Chapter 16.26.020.F.

The Board finds adequate opportunity for public participation and involvement was offered throughout the legislative process. The Planning Commission met in a public meeting on November 19, 2013 to discuss effects of a temporary moratorium on I-502 uses adopted by the Board on November 13, 2013, and prepared an outline of legislative action. The Planning Commission met in workshop sessions on: December 10, 2013, January 7 and 28, 2014, and February 25, 2014. These workshop sessions were open to the public and citizens expressed their opinions or suggested directions for ordinance provisions.

Public notice for a Planning Commission hearing regarding this legislative action was provided by advertisement in the legal notices section of the Whidbey News-Times on February 26, 2014 and the Stanwood-Camano News on February 25, 2014, through press releases, e-mail distribution and posting on the County's website.

The Planning Commission held a public hearing to deliberate proposed amendments on March 11 and 25, 2014.

Public notice for the Board of Commissioners hearing regarding this legislative action was provided by advertisement in the legal notices section of the Whidbey News-Times on April 9, 2014 and the Stanwood-Camano News on April 8, 2014, through press releases, e-mail distribution and posting on the County's website.

3: SEPA Compliance. A Determination of Nonsignificance was issued for this non-project action on February 18, 2014; sent to the Department of Ecology, local agencies in and adjacent to the County, the Liquor Control Board, and interested parties. The SEPA determination was also posted on the County's website.

4: Proposed Amendments to Development Regulations – Consistency with Comprehensive Plan. The proposed amendments are consistent with the Goals and Policies of the Comprehensive Plan, specifically two goals which are directly related to the adoption of these development regulations, and the promulgation of I-502 uses: Economic Development and Government. The Board of

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Commissioners finds general economic development would be enhanced by the promulgation of I-502 uses; and, that a balance can be struck between the rights of investors/I-502 business operators and the general interest of Island County citizens, by locating these uses in appropriate areas, and according to development standards.

5: Proposed Amendments to Development Regulations Uses allowed by I-502 concerning the production, processing and retail sale of recreational marijuana, should be distinguished from that of 'medical marijuana', which is addressed in RCW 69.51A. The proposed amendments to Island County Development regulations are in response to uses licensed by the Liquor Control Board pursuant to WAC 314-55, and do not address medical marijuana, collective gardens, the production, distribution or use of cannabis for medical purposes as defined in RCW 69.51A.

The definitions of the zoning code must clarify what is meant by recreational marijuana production, processing and distribution, so the definitions section of Chapter 17.03 defines I-502 uses, each zoning designation clarifies where these uses are permitted, conditionally permitted or prohibited; and, specifies the land use application type to which I-502 uses are subject.

6: Type of land use The uses allowed under I-502 are distinguished from, and unlike, other growing operations and typical agricultural practices and products for the following reasons:

- a. The production, processing and retail sale of marijuana is subject to product tracking, accounting, state licensing and security measures unlike any other agricultural product. It is most similar to drug manufacturing, and cannot be sold or transferred similar to all other agricultural products.
- b. The result of production and processing of marijuana is a Schedule 1 controlled substance, according to the federal Controlled Substances Act.
- c. Most (but not all) production of marijuana is expected to be in a controlled environment; primary commercial growing operations will not generally be done as 'land-based' agriculture.
- d. Recreational marijuana may not be sold or traded at farm stands, farmer's markets, on site at agricultural farms, nor legally transported out of state like all other agricultural products.

While expressly treated as a *non*-agricultural use in the code provisions, the production and processing of marijuana is compatible with agricultural uses in the zones where proposed to be allowed.

7: Separation of uses Measures are necessary to provide that properties containing marijuana producers and processors are sufficient in size and dimension to discourage locations in denser areas of the County. Minimum property dimensions and setbacks for outdoor production, screening of loading areas and processing operations are prescribed to ensure locating them in areas of lower-density, on larger parcels, with adequate distance between uses and adjacent properties.

Additionally, there are locations where I-502 uses should not be allowed. To prevent the presence of buildings being used for drug manufacturing in primarily residential areas, and discourage an 'attractive nuisance' in primarily residential portions of the community, I-502 uses should be prohibited in both Rural Residential and Oak Harbor UGA – Residential zones.

8: Land use application types The proposed type and procedure of land use decision should be directly related to the size and type of operations. The type of decision to be considered by Island County should also be relative to the Tier of producers as designated by the Liquor Control Board, and SEPA thresholds.

The code amendments regarding I-502 uses refer to existing types of permit review in Chp. 16.19, while incorporating development standards unique to marijuana production, processing and sales, consistent with WAC 314-55.

9: Use of Existing buildings There is a potential for 're-use' of existing agricultural and storage buildings that may be located on Rural (R), Rural Agriculture (RA), Commercial Agriculture (CA) and Rural Forestry (RF)-zoned parcels. To encourage their use, no additional setbacks for existing buildings are proposed beyond that of the existing zoning designation standard, only setbacks and screening for loading and processing areas are required to shield these activities from neighboring properties and public roads.

The land development standards of Chapter 17.03.180 and other development regulations of state law and County code are adequate to mitigate problems associated with potential impacts to aesthetics, traffic, water use, and waste discharge.

10: Uses in Ebey's Reserve I-502 uses proposed within Ebey's National Historical Reserve may subject to the design guidelines of ICC Chapter 17.04A, established to address the visual character of development within the Reserve, and the conditions of conservation easements restricting uses.

11: Access for law enforcement I-502 uses licenses under WAC 314-55 and approved by the County must provide evidence to assure access is not limited for law enforcement or Liquor Control Board licensing personnel, as required by WAC 314-55-015(5). Such uses in private residences or on private roads where access would prevent access to law enforcement without notice or cause should not be approved.